IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC. APPLICATION Nos. 2895 to 2899, 2981, 3054, 3055, 3056, 3057 and 3058 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MUKESH PRANVALLABHDAS GANDHI

Versus

AGRICULTURE PRODUCE MARKET COMMITTEE,

Appearance:

CRIMINAL MISC. APPLICATION No. 2895 to 2899 of 1993

MR VIJAY H PATEL for Petitioner

MR AD DESAI for Respondent No. 1

MR VM PANCHOLI, APP for Respondent No. 2

CRIMINAL MISC. APPLICATION No. 2981 of 1993

MR VIJAY H PATEL for Petitioner

MR VM PANCHOLI, APP for Respondent No. 2

CRIMINAL MISC. APPLICATION No. 3054 to 3056 and 3058 of 1993

MR VIJAY H PATEL for Petitioner

MR BG PATEL for Respondent No. 1

MR VM PANCHOLI, APP for Respondent No. 2

CRIMINAL MISC. APPLICATION No. 3057 of 1993
MR VIJAY H PATEL for Petitioner
MR VM PANCHOLI, APP for Respondent No. 2

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 09/02/2001

COMMON ORAL JUDGEMENT

The respective petitioners in all these petitions have filed these petitions under Section 482 of CrPC praying that the complaints which have been filed against them be quashed. In all the cases, the complaints were filed against the firm of Mukesh Bros. and the petitioners in respect of certain transactions of sale and purchase. In one case, the Agricultural Produce Market Committee has filed the complaint for failure to pay market fees. The contention of the petitioners is that they had retired from the said firm long back and that at the time when the alleged transactions were made, they had no interest in the said firm and it was owned by Umesh P. Gandhi. In many complaints, Umesh P. Gandhi is shown as the sole proprietor of the said firm which lends support to the petitioners' contention that the complainants very well knew that the said firm was no longer a partnership firm and the firm was owned by Umesh P. Gandhi and that the petitioners had nothing to do with the said firm when the transactions were made. Even in the various complaints which were filed, nothing is stated as to why the petitioners were named as accused in the complaints. In the circumstances, it will not be in the interests of justice to allow the complaints to proceed further against the petitioners. The petitions are therefore allowed and the complaints which have been filed against the petitioners are quashed. It is clarified that the complaints are not quashed against Umesh P. Gandhi. Rule made absolute to the said extent.

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